



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB6926

by Rep. Michael K. Smith

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2405/3d new

Amends the Disabled Persons Rehabilitation Act. Requires the Department of Human Services to adopt a policy to inform each Home Services Program customer of the mandatory requirement of a criminal background investigation for individuals who are being selected as Personal Assistants or Private Duty Providers to that customer. Provides that the customer shall be informed of this requirement at the time of application and no personal assistant or provider shall begin employment until verification that the appropriate forms for a criminal background investigation have been signed by the personal assistant or provider and submitted for processing. Further provides that the results of the criminal background investigation shall be sent directly to the customer, and the customer shall have no obligation to share the results of the investigation. Effective immediately.

LRB096 23739 KTG 43120 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Disabled Persons Rehabilitation Act is  
5 amended by adding Section 3d as follows:

6 (20 ILCS 2405/3d new)

7 Sec. 3d. Home Services Program; criminal background  
8 checks.

9 (a) As used in this Section:

10 "Customer" or "HSP customer" means a person who is  
11 receiving services through HSP.

12 "HSP" means the Home Services Program.

13 "Personal Assistant" or "PA" means an individual employed  
14 by a customer to provide through HSP varied services that have  
15 been approved by the customer's physician.

16 "Private duty provider" or "provider" means a non-agency  
17 registered nurse, licensed practical nurse, certified nurse  
18 assistant, physical therapist, occupational therapist, speech  
19 therapist, or any other individual who provides medical care or  
20 rehabilitative services in the home through HSP.

21 "Service Plan" means the Home Services Program Service  
22 Plan, the Home Services Program Service Plan Addendum, or the  
23 Interim Agreement forms on which all services to be provided to

1 an individual through HSP are listed.

2 (b) Beginning on the effective date of this amendatory Act  
3 of the 96th General Assembly, the Department shall adopt a  
4 policy to inform each HSP customer of the mandatory requirement  
5 of a criminal background investigation for individuals who are  
6 being selected as Personal Assistants or Private Duty Providers  
7 to that customer. The customer shall be informed of this  
8 requirement at the time of application and no personal  
9 assistant or provider shall begin employment until  
10 verification that the appropriate forms for a criminal  
11 background investigation have been signed by the personal  
12 assistant or provider and submitted for processing. The results  
13 of the criminal background investigation shall be sent directly  
14 to the customer, and the customer shall have no obligation to  
15 share the results of the investigation. Information obtained  
16 from the criminal background investigation will assist the  
17 customer in making an informed choice concerning personal  
18 assistants or providers.

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.